



# Washington State Department of Agriculture News Release

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## **Agriculture Department issues fines and suspensions for pesticide violations**

OLYMPIA – During the third quarter of 2004, the state Department of Agriculture (WSDA) issued fines totaling \$2,450 against five individuals for violating state pesticide laws and rules. Three of the individuals had their licenses suspended for a total of 13 days. Three other individuals involved in an Island County school district case were not fined, but received license suspensions totaling 24 months.

Fines ranged from \$200 to \$900 for violations that included improper disposal of a pesticide, not following pesticide label directions, conducting a faulty structural pest inspection, and failing to submit pesticide application records.

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms, such as wood rot, carpenter ants, or termites. About 200 allegations of improper distribution or misuse of pesticides, or faulty structural inspections are investigated each year.

To file a complaint involving the misuse of a pesticide, or to find out if a pesticide applicator or structural pest inspector is licensed, call (877) 301-4555.

**James Allen** and **Steven Newman**, both former public pesticide operators for Oak Harbor School District, had their licenses suspended for six months each. **Gary Hansen**, the former director of grounds and maintenance at Oak Harbor School District, who is unlicensed, received a 12-month suspension that will be held in abeyance until Hansen becomes licensed. A WSDA investigation found that in the fall of 1999, these individuals were responsible for illegally disposing of about 650 pounds of a granular pesticide by burying it on school grounds. The US Environmental Protection Agency's Criminal Investigation Division also investigated this matter and took action against Hansen.

**Raymond D. Durfee**, commercial operator for Simplot Grower Solutions, Quincy, was fined \$450 and his license was suspended for seven days. In April 2004, Durfee directed an employee to dispose of a pesticide left over in a tank by spraying it onto the Quincy Irrigation District right-of-way.

**Gary Fernelius**, Tieton, was fined \$900 for failing to wear all of the necessary personal protective equipment while making an insecticide application in July 2001. WSDA also charged Fernelius with endangering people and applying a pesticide contrary to the label by allowing the spray to drift onto a neighbor's residential property. Fernelius challenged the charges and an administrative law judge determined that WSDA did not have sufficient evidence to prove the violations.

**Mario Martinez**, a private applicator from Selah, was assessed a \$300 fine and his license was suspended for three days. In April of 2004, Martinez failed to submit pesticide application records as requested by WSDA.

**Duane Peart** and **Stemilt Management, Inc.**, Wenatchee. WSDA alleged that in June 2004, Peart and Stemilt Management, Inc. failed to submit pesticide application records as requested by WSDA. The matter was resolved with Peart and Stemilt Management, Inc. agreeing to pay \$600, and WSDA agreeing to make three technical assistance presentations to Stemilt Management employees.

**Larry D. Pruitt**, a structural pest inspector for Northwest Home Inspections, Inc., Bremerton. WSDA alleged that in December of 2003, Pruitt conducted an inadequate wood destroying organism inspection and issued a false and misleading report on a house in Bremerton. The matter was resolved when Pruitt agreed to pay \$200 and have his license suspended for three days.

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